IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 896 OF 2006.
IN
CRIMINAL APPEAL NO. 772 OF 2006.

Mahindrasinha Omkarsinha Pariyar
@ Anurag Shri Omkar Pariyar. ... Applicant.
Versus.
The State of Maharashtra. ... Respondents.

Shri Aniket Vagal holding for Smt.Anjali Patil for the Applicant.
Shri U.V.Nikam, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : 20th November, 2006.

P.C.:

1. This application for bail was argued on 15th November and 16th November 2006. On both the dates the Application was adjourned to enable the learned A.P.P to take instructions as regards the status of the other pending matters against the Applicant in which the Applicant has been convicted. The learned A.P.P. states that on 15th November and 16th November 2006 his office contacted the concerned Police Station. He states that till today there is no response from the concerned Police Station.

2. This application is by the original Accused No.1 who has been convicted for offence punishable under section 307 of the Indian penal Code. Substantive sentence is R.I. for five years. He has been also convicted for offence under section 353 of the Penal Code and section 3 read with section 25(1-B)(a) of the Arms Act. However, in both the cases the substantive sentence is of one year which is to run concurrently

with the sentence for offence under section 307 of the Penal Code.

3. The Applicant has already undergone sentence for a period of about two years and five months. The Appeal is not likely to be heard finally before completion of remaining period of sentence. As there are no exceptional circumstances for denying relief of bail, in view of the decision of the Apex Court in the case of Bhagwan Rama Shinde Gosai and others v/s. State of Gujarat, [(1999) 4 SCC page 421], the Applicant will have to be enlarged on bail, subject to stringent conditions.

4. Hence the Application is disposed of by passing the following order:

i) The Applicant shall be released on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) Bail is granted subject to condition that the Applicant will report to the Officer in-charge of the Laxmipuri Police Station, Kolhapur on every first and third Saturday of every calender month till the disposal of the appeal.

Judge.